

**IDAHO BOARD OF COSMETOLOGY**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 6/2/2014**

**BOARD MEMBERS PRESENT:** Debra J Hummel - Chair  
Merrilyn Cleland  
Bonnie D. Sermon  
Linda Swope  
Christy L Duplantie

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, Legal Counsel  
Eric Nelson, Board Prosecutor  
Roger Hales, Naylor and Hales  
Joan Callahan, Naylor and Hales  
Kim Aksamit, Technical Records Specialist I

**OTHERS PRESENT:** Laurie Rowen, Tyler Price, Ty Walker, Ren Shaw,  
Rick Evans, George Brunt, Whitney Shaughnessy,  
Ronda Clark, LaDonn Goodfellow,  
Kathy Hopkins, Brian Paris, Kim Paris  
Erin Thompson, Phil Scott, Korinne Sword,  
Rodonna Julian, Leslee Grubb, and Tony Smith

The meeting was called to order at 8:33 AM MDT by Ms. Hummel.

**APPROVAL OF MINUTES**

Ms. Swope made a motion to accept the minutes from February 3, 2014 with corrections, March 12, 2014, April 14, 2014 and May 12, 2014 as written. It was seconded by Ms. Hummel. Motion carried.

**LEGISLATIVE REPORT**

Ms. Cory gave the legislative report. She said that the proposed laws will go into effect July 1<sup>st</sup> and the rule changes the Legislature approved are currently in effect. She also said any proposed law changes for 2015 need to be in by the first of August and proposed rule changes need to be submitted by the third week of August for the 2015 session.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$1,645,383.65 as of 6/2/2014.

## **MEMORANDUM**

Mr. Nelson, Board Prosecutor, presented to the Board a Memorandum. Regarding cases COS-2014-120, COS-2014-89, COS-2014-31, COS-2014-102, COS-2014-119, COS-2014-76, and COS-2014-86, the Board made its recommendations to its prosecuting attorney.

COS-2014-75 Ms. Sermon made a motion to close the case with a warning letter. It was seconded by Ms. Duplantie. Motion carried.

## **FINAL ORDER**

COS-2014-40 Ms. Cleland made a motion to approve the Findings of Facts, Conclusions of Law and Final Order and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Sermon. Motion carried.

## **CONSENT ORDERS**

Mr. Nelson, Board Prosecutor, presented to the Board several Stipulation and Consent Orders on cases COS-2013-14, COS-2013-23/24, COS-2014-41, COS-2014-43/47, COS-2014-56, COS-2014-57, COS-2014-58, COS-2014-59, and COS-2014-60. Ms. Cleland made a motion to accept the Stipulation and Consent Orders as signed and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Sermon. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel presented the investigative report which is linked above.

## **FOR BOARD DETERMINATION**

Ms. Swope made a motion to accept the recommendations of the Bureau to authorize closure in the following cases with a warning letter I-COS-2013-156; I-COS-2014-9; I-COS-2014-56; I-COS-2014-57; I-COS-2014-80; I-COS-2014-151; and I-COS-2014-152. It was seconded by Ms. Duplantie. Motion carried.

Ms. Swope made a motion to accept the recommendations of the Bureau to authorize closure in cases I-COS-2014-35; I-COS-2014-37 and I-COS-2014-38; I-COS-2014-41, I-COS-2014-42 and I-COS-2014-43; I-COS-2014-77; I-COS-2014-86 and I-COS-2014-87; I-COS-2014-90, I-COS-2014-101 and I-COS-2014-

103; I-COS-2014-91, I-COS-2014-92 and I-COS-2014-93; I-COS-2014-108 and I-COS-2014-109; and I-COS-2014-110. It was seconded by Ms. Duplantie. Motion carried.

## **DISCIPLINARY ACTION**

Ms. Peel presented to the Board several Settlement Orders regarding case numbers COS-2014-27/28, COS-2014-42, COS-2014-51/52, COS-2014-69, COS-2014-70, COS-2014-71/72, COS-2014-74, COS-2014-78/79, COS-2014-80, COS-2014-81, COS-2014-82, COS-2014-83, COS-2014-90/91, COS-2014-92/93, COS-2014-94/95, COS-2014-96/97, COS-2014-100/101, COS-2014-103/104, COS-2014-107/108, COS-2014-111/112, COS-2014-118, COS-2014-124/125, COS-2014-128/129, and COS-2014-132/133. Ms. Sermon made a motion to accept the Settlement Orders as signed and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

## **MEMORANDUM**

COS-2014-98 & COS-2014-99 Ms. Sermon made a motion to close the cases with a warning letter. It was seconded by Ms. Cleland. Motion carried.

COS-2014-109 & COS-2014-110 Ms. Cleland made a motion to close the cases with a warning letter. It was seconded by Ms. Swope. Motion carried.

COS-2014-113 & COS-2014-114 Ms. Swope made a motion to close the cases with a warning letter. It was seconded by Ms. Duplantie. Motion carried.

COS-2014-115 & COS-2014-116 Ms. Swope made a motion to close the cases with a warning letter. It was seconded by Ms. Sermon. Motion carried.

COS-2014-134, 135, 136, 137 & 138 Ms. Swope made a motion to close the cases with a warning letter. It was seconded by Ms. Cleland. Motion carried.

## **REPORTS FROM ECHO LUNDEBERG**

The Board reviewed reports submitted by Echo Lundeborg.

## **REQUEST FOR PAYMENT ARRANGEMENT**

COS-2013-97 Ms. Cleland made a motion to approve a payment plan for one year. It was seconded by Ms. Sermon. Motion carried.

## **OLD BUSINESS**

## **TO DO LIST**

Ms. Hummel presented information to the Board regarding the Board paying for the examination sites. The Board will not proceed at this time.

Discussion was held regarding Rule 100 (02). Ms. Swope made a motion to change the language in the Rule to read that, "the Board shall meet at least three times a year in regular session." It was seconded by Ms. Cleland. Motion carried.

## **SUBCOMMITTEE REPORT**

Mr. Hales addressed the Board regarding the issue brought up by Representative Monks in the 2014 Legislature. Representative Monks proposed that the Board consider adding an additional exemption that if someone practices without compensation, then they are not obligated to be licensed. It was discussed at the subcommittee meeting and the Board does not approve of this exemption. Ms. Duplantie made a motion to have Mr. Hales draft a letter in response to Representative Monks for the Board Chair to sign. It was seconded by Ms. Cleland. Motion Carried.

Mr. Hales said the subcommittee heard from a licensed cosmetologist who has seen an increase in fungus as it related to nail technology practice and wasn't sure if maybe it was connected to the apprenticeship program and not offering adequate education. The subcommittee decided to study this further before any action is taken.

Mr. Hales discussed the proposed law change which relates to Idaho Code §54-827. The proposed changes are intended to streamline the process related to permits to practice, demonstrate or teach cosmetology. The changes would include creating a registration process rather than a Board approved permit and clarifying what is permissible under various activities.

Ms. Cleland made a motion to allow the Bureau to submit the proposed law change to the Associations for feedback. It was seconded by Ms. Duplantie. Motion carried.

Mr. Hales and Ms. Callahan addressed the Board regarding proposed changes to Rule 300 and 301. The proposed rules are intended to clarify and simplify the rules governing establishment licenses including the process for obtaining a contiguous establishment license.

Ms. Swope made a motion to accept the rule changes and to have them sent to the Associations for feedback. It was seconded by Ms. Cleland. Motion carried.

## **BOARD NEWSLETTER**

Ms. Cleland addressed the Board regarding the newsletter. Discussion was held. Ms. Swope made a motion to move forward with the newsletter with the

exception of receiving information regarding the sanitation portion. It was seconded by Ms. Duplantie. Motion carried.

## **NEW BUSINESS**

### **CORRESPONDENCE**

Mr. Paris who sent a letter to the Board regarding providing the examination in other languages was presented and addressed the Board on this issue. The Bureau will do some research and bring it back to the Board at the next meeting.

### **PUBLIC COMMENT**

Mr. Evans submitted a request to be put on the October agenda regarding online schooling.

Mr. Brunt requested that the Board put on their October agenda an update from the School Association on changes within the industry and clarification of 54-803 (2).

### **NIC ANNUAL CONFERENCE**

Ms. Swope made a motion for the Board to attend the National Interstate Council of State Boards of Cosmetology 2014 Annual Conference (NIC) in South Carolina, and to cover all expenses including hotel, meals, shuttle, per diem, honorarium, one day of travel and to allow an investigator and Bureau staff to attend. It was seconded by Ms. Cleland. Motion carried.

Ms. Cleland made a motion to pay the membership dues to NIC. It was seconded by Ms. Swope. Motion carried.

### **EXECUTIVE SESSION**

A motion was made by Ms. Swope to go into executive session per Idaho Code 67-2345 (1) (d), to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to discuss licensure applications. It was seconded by Ms. Sermon. Motion carried. The vote was: Ms. Hummel, aye; Ms. Cleland, aye; Ms. Duplantie, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Cleland to come out of executive session. It was seconded by Ms. Sermon. Motion carried. The vote was: Ms. Swope, aye; Ms. Hummel, aye; Ms. Cleland, aye; Ms. Sermon, aye; and Ms. Duplantie, aye.

### **APPLICATIONS FOR LICENSE**

Ms. Cleland made a motion to accept the application for Tammy Moser and issue a license. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to accept the application for applicant 901133548 and issue a license once the hours are received from the school. It was seconded by Ms. Swope. Motion carried.

Ms. Duplantie made a motion to accept the application for Katherine Kennedy and issue a license. It was seconded by Ms. Cleland. Motion carried.

Ms. Sermon made a motion to accept the application for Erin Thompson and issue a license. It was seconded by Ms. Cleland. Motion carried.

Ms. Cleland made a motion to accept the application for Thuan Nguyen and issue a license. It was seconded by Ms. Sermon. Motion carried.

Ms. Swope made a motion to accept the application for applicant 901128952 pending additional information regarding a felony and for the Board Chair to review and make a decision. It was seconded by Ms. Cleland. Motion carried.

## **APPRENTICESHIPS**

Ms. Sermon made a motion to accept the apprenticeship applications for Naomi Lam at Top Nail and Dazzle Nails and Spa, An Lam at Top Nail and Dazzle Nails and Spa, Thao T Vo at Beauty Nails, Leshanda Allen at LA Nails LLC, Hanh Ngo at Rosy Nails and Brittany Veach at Allay Spa . It was seconded by Ms. Swope. Motion carried.

## **CURRICULUM REVIEW**

Ms. Swope made a motion to accept esthetics program for The School of Hairstyling. It was seconded by Ms. Sermon. Motion carried.

Ms. Swope made a motion to accept the nail technology and esthetics program for Joseph Charles Institute of Cosmetology. It was seconded by Ms. Cleland. Motion carried.

## **NEXT MEETING**

The Board scheduled its next meeting for October 6, 2014 at 8:30 AM MST at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

## **ADJOURNMENT**

Ms. Sermon made a motion to adjourn the meeting at 10:35 AM MDT. It was seconded by Ms. Swope. Motion carried.

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Debra J Hummel, Chair

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Merrilyn Cleland

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Bonnie D. Sermon

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Linda Swope

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Christy L Duplantie

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Tana Cory, Bureau Chief